

Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, ' 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

<u>Permit Number</u>	<u>Effective Date</u>	<u>Expiration Date</u>
VA-30409	October 1, 2001	October 1, 2006

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	VF Imagewear (East), Inc.
Mailing Address:	P. O. Box 5423 Martinsville, Virginia 24115-5423
Facility Name:	VF Imagewear (East), Inc., Walker Division
DEQ Registration No.:	30409
Facility Location:	on Walker Road in Martinsville, VA
AIRS Identification No.:	51-089-0045

	<u>September 28, 2001</u>
Dennis H. Treacy, Director	Date
Department of Environmental Quality	

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Part I -- Facility Information

Permittee	Facility
VF Corporation	VF Imagewear (East), Inc., Walker Division
P. O. Box 21488	P. O. Box 5423
Greensboro, NC 27420	Martinsville, Virginia 24115-5423
Responsible Official	Contact person
Wayne Hill	David Martin
Vice President Manufacturing	Project Engineer
(540) 634-3639	(540) 634-3220

VA Registration Number: 30409
AIRS Identification Number: 51-089-0045

Facility Description: 2253 - This facility produces knitted fabrics, waistbands, cuffs, etc. which are used at sewing plants to make apparel such as sweats and tees.

Part II -- Emissions Unit Specific Requirements

A. Insignificant Emission Unit Inventory List

Table II.A.1

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted	Rated Capacity or potential emissions
FP1	diesel fire pump	5-80-720(C)(4)	NO _x , SO ₂ , VOC, PM-10, CO	185 bhp
T1-T24	69 liquid storage tanks	5-80-720(B)(2)	VOC	# 6,000 gallons, each
DJ	59 pressurized dye jets	5-80-720(B)(2)	VOC	< 5 ton/yr
BJ	pressurized bleach jet	5-80-720(B)(2)	VOC	< 5 ton/yr
DR1	mixing room	5-80-720(B)(2)	VOC	< 5 ton/yr
E1	extractors	5-80-720(B)(2)	VOC	< 5 ton/yr
D1	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D2	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D3	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D4	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D5	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D6	Santex Ltd. Dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D7	Alea dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
D8	Smart Technologies, Inc. dryer	5-80-720(B)(2)	VOC	< 5 ton/yr
K1	knitting department	5-80-720(B)(1) & 5-80-720(B)(2)	PM-10, VOC	< 5 ton/yr
AW	air washers	5-80-720(B)(1)	PM-10	< 5 ton/yr
G1 & G2	2 Gerber cutting machines	5-80-720(B)(1)	PM-10	< 5 ton/yr
CD	cleaning blank pattern plates in cutting department	5-80-720(B)(2)	VOC	< 5 ton/yr
C1 & C2	compactors	5-80-720(B)(1)	PM-10	< 5 ton/yr
SC	solvent cleaning stations	5-80-720(B)(2)	VOC	< 5 ton/yr
SU	salt unloading	5-80-720(B)(1)	PM-10	< 5 ton/yr

B. Significant Emissions Unit Inventory List

1. Process Units

Table II.B.1

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
B1	B1	boiler	Babcock and Wilcox FM1929, 1970	92.56 x 10 ⁶ Btu/hr (heat input)
B2	B1	boiler	Babcock and Wilcox FMD 564, 1974	49.3 x 10 ⁶ Btu/hr (heat input)

C. Emission Unit Limitations

Table II.C.1

Unit ID	Condition/Reference No.	PM-10 ^{note 1}		SO ₂	
		lb/hr	ton/yr*	lb/hr	ton/yr*
B1	Reference A	27.90	N/A	251.33	N/A
B2	Reference A	14.87	N/A	127.78	N/A

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.
Reference A 9 VAC 5 Chapter 40 Article 8 and DAPC letter dated April 29, 1980
Note 1 PM=PM-10

D. Emission Unit Specific Permit Terms

1. Babcock and Wilcox 92.56 x 10⁶ Btu/hr (heat input) Boiler (Ref. B1)

Table II.D.1

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	lb/10 ⁶ Btu	tons/yr*	
PM	0.30	N/A	9 VAC 5, Chapter 40, Article 8
SO ₂	2.64**	N/A	9 VAC 5, Chapter 40, Article 8

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

** lb/10⁶ Btu for SO₂ is an hourly emission rate.

Limitations

- (a) The Babcock and Wilcox 92.56x10⁶ Btu/hr Boiler (Ref. B1) is temporarily shutdown. The facility shall notify the West Central Regional Office prior to start-up of the unit. (9 VAC 5-170-160)
- (b) The approved fuel for the Babcock and Wilcox Boiler (Ref. B1) is Natural Gas. (9 VAC 5-170-160)
- (c) When the 49.3 x 10⁶ Btu/hr (heat input) Babcock and Wilcox boiler (Ref. B2) is not operating, the visible emissions from the Babcock and Wilcox boiler (Ref. B1) through the common stack shall not exceed twenty (20) percent opacity, except during one (1) six (6) minute period per hour in which visible emissions shall not exceed sixty (60) percent opacity as determined by EPA Method 9 (reference 40 CFR 60 Appendix A), except during periods of startup, shutdown, or malfunction. When the 49.3 x 10⁶ Btu/hr (heat input) Babcock and Wilcox boiler (Ref. B2) is operating, the visible emissions from the Babcock and Wilcox boiler (Ref. B1) through the common stack shall not exceed twenty (20) percent opacity, except during one (1) six (6) minute period per hour in which visible emissions shall not exceed thirty (30) percent opacity as determined by EPA Method 9 (reference 40 CFR 60 Appendix A), except during periods of startup, shutdown, or malfunction. (9 VAC 5-40-940)
- (d) The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the Babcock and Wilcox boiler (Ref. B1):
 - (i) Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the boiler.
 - (ii) Have available written operating procedures for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum, if such recommendations exist.
 - (iii) Train operators in the proper operation of the boiler and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 K, 9 VAC 5-80-110 F; 9 VAC 5-170-160)

Periodic Monitoring

- (e) At least one time per week, when the boiler is operating, an observation of the presence of visible emissions from Babcock and Wilcox boiler (Ref. B1) stack shall be made. If visible emissions are observed the permittee shall:
 - (i) take timely corrective action such that the boiler resumes operation with no visible emissions, or,
 - (ii) perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack do not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action. If the boiler has not been operated for any period during the week, it shall be noted in the boiler log book and that a visual observation was not required .

(9 VAC 5-80-110 E.)

Reporting

- (f) The permittee shall submit written reports in accordance with General Condition No. IIIB.1.
- (9 VAC 5-80-110 F)

Recordkeeping

- (g) The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the West Central Regional Office. These records shall include, but are not limited to:
 - (i) A monthly and annual log of natural gas consumption. Fuel consumption shall be calculated monthly as the sum of each consecutive twelve (12) month period. The logs shall be kept on site and be made available upon request.
 - (ii) Visual emission observation reports.
 - (iii) Records of malfunctions of equipment which may cause a violation of any part

of this permit.

- (iv) Operating procedures, maintenance schedules, training, and service records for the Babcock and Wilcox boiler (Ref. B1).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-50)

2. Babcock and Wilcox 49.3×10^6 Btu/hr (heat input) Boiler (Ref. B2)

Table II.D.2

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	lb/ 10^6 Btu	tons/yr*	
PM	0.30	N/A	9 VAC 5, Chapter 40, Article 8
SO ₂	2.64**	N/A	9 VAC 5, Chapter 40, Article 8

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

** lb/ 10^6 Btu for SO₂ is an hourly emission rate.

Limitations

- (a) The Babcock and Wilcox 49.3×10^6 Btu/hr Boiler (Ref. B2) is temporarily shutdown. The facility shall notify the West Central Regional Office prior to start-up of the unit.
(9 VAC 5-170-160)
- (b) The approved fuel for the Babcock and Wilcox Boiler (Ref. B2) is Natural Gas.
(9 VAC 5-170-160)
- (c) The visible emissions from the Babcock and Wilcox boiler (Ref. B2) stack shall not exceed twenty (20) percent opacity, except during one (1) six (6) minute period per hour in which visible emissions shall not exceed thirty (30) percent opacity as determined by EPA Method 9 (reference 40 CFR 60 Appendix A), except during periods of startup, shutdown, or malfunction.
(9 VAC 5-50-80)
- (d) The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the Babcock and Wilcox boiler (Ref. B2):
- (i) Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the boiler.
- (ii) Have available written operating procedures for the boiler. These procedures

shall be based on the manufacturer's recommendations, at a minimum, if such recommendations exist.

- (iii) Train operators in the proper operation of the boiler and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 K, 9 VAC 5-80-110 F; 9 VAC 5-170-160)

Periodic Monitoring

- (e) At least one time per week, when the boiler is operating, an observation of the presence of visible emissions from the Babcock and Wilcox boiler (Ref. B2) stack shall be made. If visible emissions are observed the permittee shall:
 - (i) take timely corrective action such that the boiler resumes operation with no visible emissions, or,
 - (ii) perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack do not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action. If the boiler has not been operated for any period during the week, it shall be noted in the boiler log book and that a visual observation was not required .

(9 VAC 5-80-110 E.)

Reporting

- (f) The permittee shall submit written reports in accordance with General Condition No. IIIB.1.
(9 VAC 5-80-110 F)

Recordkeeping

- (g) The permittee shall maintain records of all emission data and operating parameters

necessary to demonstrate compliance with this permit for the Babcock and Wilcox boiler (Ref. B2). The content of and format of such records shall be arranged with the West Central Regional Office. These records shall include, but are not limited to:

- (i) A monthly and annual log of fuel consumption. Fuel consumption shall be calculated monthly as the sum of each consecutive twelve (12) month period. The logs shall be kept on site and be made available upon request.
- (ii) Visual emission observation reports.
- (iii) Records of malfunctions of equipment which may cause a violation of any part of this permit.
- (iv) Operating procedures, maintenance schedules, training, and service records for the Babcock and Wilcox boiler (Ref. B2).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50)

Part III Facility-wide and General Requirements

A. Facility-Wide Conditions and Permit Terms

1. Existing source standard for visible emissions

Unless otherwise specified in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility (constructed, modified or relocated prior to March 17, 1972) any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

(9 VAC 5-40-80 and 9 VAC 5-80-110)

2. New source standard for visible emissions

Unless otherwise specified in this part, on or after the date on which the performance test required to be conducted by 9 VAC 5-50-30 is completed, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility (constructed, modified or relocated after March 17, 1972) any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

(9 VAC 5-50-80 and 9 VAC 5-80-110)

3 Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

- (a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
- (b) Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition;
- (c) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
- (d) Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and
- (e) The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90, 9 VAC 5-50-90, and 9 VAC 5-80-110)

4 Startup, Shutdown and Malfunction

At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-40-20, 9 VAC 5-50-20, and 9 VAC 5-80-110)

5 Halogenated solvents

All cleaning stations shall utilize solvents that contain less than five percent (5%) by weight halogenated solvents. The permittee shall maintain on site records of the composition of the

cleaning solvents used throughout the facility. These records shall be maintained on site by the permittee for the most current five year period.
(9 VAC 5-170-160)

B General Permit Conditions

6 Recordkeeping and reporting

- (a) All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - (i) The date, place as defined in the permit, and time of sampling or measurements.
 - (ii) The date(s) analyses were performed.
 - (iii) The company or entity that performed the analyses.
 - (iv) The analytical techniques or methods used.
 - (v) The results of such analyses.
 - (vi) The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

- (b) Records of all monitoring data and support information shall be retained on site for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

- (c) The permittee shall submit the results of monitoring, including periodic monitoring, in a report to the DEQ - West Central Regional Office no later than **March 1** and **September 1** of each calendar year. The report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - (i) the time period included in the report. The time periods to be addressed are for the calendar months January 1 through June 30 and July 1 through December 31.
 - (ii) all deviations from permit requirements. For purposes of this permit, a deviation@ means any situation in which an emissions unit fails to meet a permit

term or condition. For a situation lasting more than 24 hours which constitutes a deviation, each 24-hour period is considered a separate deviation.

(9 VAC 5-80-110 F)

7 Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the West Central Regional Office within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shut down.
(9 VAC 5-20-180)

8 Permit Deviation Reporting

The permittee shall notify the West Central Regional Office within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to general condition IIIB.1.(c) of this Permit.
(9 VAC 5-80-110 F.2)

9 Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

10 Duty to Comply

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

11 Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

12 Permit Action for Cause

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

13 Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

14 Duty to Submit Information

(a) The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

(b) Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

15 Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

16 Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355 (Rule 8-6 of the Regulations). The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the department by April 15 of each year. The calculations and final amount of

emissions are subject to verification and final determination by the department.
(9 VAC 5-80-110 H)

17 Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

18 Inspection and entry requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- (a) Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- (d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation. Nothing contained herein shall make an inspection time unreasonable during an emergency.

(9 VAC 5-80-110 K.2)

19 Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ within 60 days of the end of each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the Clean Air Act. This certification shall be signed by a responsible official and shall include:

- (a) a description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

- (b) The identification of each term or condition of the permit that is the basis of the certification.
- (c) The compliance status.
- (d) Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- (e) Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- (f) Such other facts as the permit may require to determine the compliance status of the source.

Compliance certifications submitted to EPA shall be sent to:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

(9 VAC 5-80-110 K.5)

20 Reopening For Cause

- (a) The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.
- (b) The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (c) The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

- (d) The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

21 Enforceability

All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the federal Clean Air Act.

(9 VAC 5-80-110 N)

22 Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

23 Transfer of Permits

- (a) No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

- (b) In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

- (c) In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

24 Permit Expiration

Permit expiration terminates the source's right to operate unless a timely (at least six months, but no earlier than 18 months prior to the date of permit expiration) and complete renewal application has been submitted consistent with 9 VAC 5-80-80.

(9 VAC 5-80-170 B)

25 Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations, if the following conditions are met. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed,

contemporaneous operating logs, or other relevant evidence that show the following:

- (a) A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
- (b) The permitted facility was at the time being properly operated.
- (c) During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
- (d) For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in Condition IIIB.2 ,Malfunction/Failure Reporting above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements.

In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

26 Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

C Permit Shield

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. Nothing in this permit shield shall alter the provisions of ' 303 of the Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to ' 114 of the Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

